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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,532	02/06/2004	Syed Noman Kazmi	085804-010601	6509
76/58 7590 08/19/2009 YAHOO! INC. C/O GREENBERG TRAURIG, LLP MET LIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166				
EXAMINER				
BARQADLE, YASIN M				
ART UNIT		PAPER NUMBER		
2456				
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08/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,532

Applicant(s)

KAZMI ET AL.

Examiner

YASIN M. BARQADLE

Art Unit

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 04, 2009 has been entered.

Response to Amendment

2. The amendment filed on June 04, 2009 has been fully considered but are not persuasive.
- Claims 1-25 are presented for examination.
 - Claims 26-42 have been withdrawn.

Response to Amendment

In essence the Applicant's arguments seem to be similar in content as the one presented previously. The Examiner would like to refer the Applicant the responses given in the previous office action and the detailed office action below.

Claim objection

Claim 6, recites "the system of claim I" it seems there is typo error in the claim. Correction is required.

Claim 13, recites “providing the request digital content to the user...” it is suggested to read “providing the requested digital content to the user ...”

Correction or clarification is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12,,6,8,13-14,18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

:
Claim 1 recites “at least one media server providing the digital content to the user”, it not clear whether the digital content provided to the user is different from the digital content stored on the first servers or the ingested digital content.

Claim 1 also recited “the central site comprising one or more ingest servers directing transfer of the client’s digital content...,” it is not clear whether “one or more ingest servers” recited are additional ingested server not including the “an ingest server” in line 6. Correction is required.

In claim 1 line 11 recites “the digital content”, it is not clear what digital content is being referred to, the ingested digital content or the digital content stored on first servers. Correction is required.

Art Unit: 2456

Claims 6 and 18, recite “two or more remote sites have a relationship to each other based on geographical location” it is not clear whether “two or more remote sites” recited are additional remote sites not including the “the remote site” mentioned previously in claim 1 and 13. Correction or clarification is required.

Claim 13, recites “uploading the digital content to an ingest server at a remote site”, it is not clear where it is uploaded. Is it from the client or from the central server etc. Clarification is required.

Claim 13, recites “transfer of digital content from the ingest server to another server ...,” it is not clear whether the digital content is a new digital content or the previously mentioned digital content. Correction or clarification is required.

Claim 20, recites “managing **the digital content at the remote site;**” it is not clear which digital content at remote site is being referred (the ingest server digital content or the another server digital content at the remote site).
Correction/clarification is required.

Claim 20, recites “storing **the digital content received by the remote site;**” it is not clear which digital content at remote site is being referred (the ingest

server digital content or the another server digital content at the remote site).
Correction/clarification is required.

Claim 20, recites “receiving **digital content at the central site;**” it is not clear which digital content at central site is being referred to. Is this is a new digital content or the previously mentioned digital content. Correction/clarification is required.

Claim 25, recites “wherein transfer is to a remote site ...” it is not clear whether “the remote site is a different remote site than the already mentioned remote site in claim 13. Correction/clarification is required.

Claim 13 line 9, recites the limitation “the remote site’s media server”. There is insufficient antecedent basis for this limitation in the claim. Correction is required.

In claims 2 and 14 recites “each client is associated with a particular remote site...,’”. There is insufficient antecedent basis for this limitation in the claim. There are no plurality of clients mentioned in claim 1 and 13. Correction is required.

In claim 8, line 1 recites "each remote site further comprises:" There is insufficient antecedent basis for this limitation in the claim. there are no plurality of remote sites mentioned in claim 1. Correction is required.

Claim 20, line 5 recites "reading the stored item of digital content", no mention for stored item in claim 13. Correction/clarification is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, 8, 11-14, 18, 20, 23 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Baumeister (U.S. Pub. No. 2001/0034786) in view of Sim US. Patent No. (6970939).

As to claim 1, Baumeister teaches a system comprising:

One or more first servers (stream server 1 and 2, fig. 3) configured to receive digital content (stream server 1 and 2 store digital content and thus are configured to receive digital content), and

an ingest server (FTP server) ingesting the digital content from the client (see fig. 3), an ingest queue server from a central site geographically remote

from the remote site (see stream server in fig. 3 different than stream) and the ingest server (FTP server), directing transfer of the ingested digital content from the ingest server to the one or more first servers (see fig. 2, 3, ¶45, 46), and

in response to a digital content user request, at least one media server providing the digital content to the user (¶40 and 42-44 digital are stored for accessing browsers); and

the central site comprising an ingest queue server (stream server portal) to direct transfer of digital content from the ingest server (FTP server) to the first server (stream server) based on client identifying information (see fig. 2, 3, ¶45, 46).

Baumeister teaches the invention as explained above including URL accessible data store in the stream serves. However, Baumeister does not expressly disclose that clients on remote site upload the digital content to the first server.

In an analogous art, Sim whose invention is about method for a large payload distribution in a network discloses "A content provider (client) uploads a large payload file to a single content management server using content publishing and management tools running on a content provider client system." (Col. 14, lines 11-35).

Given the teaching of Sim one of ordinary skill in the art would readily appreciate that uploading content to remote server would have been a convenient means for providing the content to an FTP server. In this way

uploaded contents could be distributed or made available to other devices on the Internet.

Baumeister discloses the stream server (i.e., the "first server") and the FTP server (i.e., the "ingest server") being in a "site." (accessing these servers via URL implies being a web site ¶41-43).

The stream server (i.e., the "first server") and the FTP server (i.e., the "ingest server") shown by Baumeister in figures 2 and 3 clearly meet this interpretation. And, this site is clearly "remote" from, e.g., the stream server portal, making it a "remote site."

As to claim 13, Baumeister teaches a method for facilitating access by users to digital content of one or more clients, each client having client identifying information, the method comprising:

receiving information about digital content at a central site (stream portal server (see fig. 2, 3) ;

analyzing the client identifying information (see ¶45-48);

directing, by an ingest queue server at the central location (stream server portal), transfer of digital content from an ingest server (FTP server) to another server (stream server) based on the client identifying information (see fig. 2, 3, ¶38 and ¶45-48).

in response to a digital content user request, providing the request digital content to the user via the remote sites media server (¶40 and 42-44 digital are stored for accessing browsers).

Baumeister teaches the invention as explained above including URL accessible data store in the stream server. However, Baumeister does not expressly disclose that clients upload the digital content to the first server.

In an analogous art, Sim whose invention is about method for a large payload distribution in a network discloses "A content provider (client) uploads a large payload file to a single content management server using content publishing and management tools running on a content provider client system." (Col. 14, lines 11-35).

Given the teaching of Sim one of ordinary skill in the art would readily appreciate that uploading content to remote server would have been a convenient means for providing the content to an FTP server. In this way uploaded contents could be distributed or made available to other devices on the Internet.

Baumeister discloses the stream server (i.e., the "first server") and the FTP server (i.e., the "ingest server") being in a "site." (accessing these servers via URL implies being a web site ¶41-43).

The stream server (i.e., the "first server") and the FTP server (i.e., the "ingest server") shown by Baumeister in figures 2 and 3 clearly meet this interpretation. And, this site is clearly "remote" from, e.g., the stream server portal, making it a "remote site."

As to claims 2 and 14, it would have been obvious to have clients upload the content to the FTP server, as detailed above. These clients are associated with the FTP servers' site because it stores their content.

As to claims 6 and 18, Baumeister discloses sites that are geographically distributed (see fig. 2, 3).

As to claims 8 and 20, Baumeister teaches a second server (stream server) for managing digital content at the remote site; a storage server (FTP server) configured to store digital content; wherein the second server (stream server) is coupled to the storage server (FTP server), the second server (stream server), configured to receive a request to access an item of digital content from a user and in response to the request, read the item of digital content stored on the storage server (FTP server) (see fig. 2, 3).

As to claims 11 and 23, Baumeister teaches that the central site includes one or more first servers configured to receive digital content and make digital content available to users (see fig. 2, 3).

As to claims 12 and 24, Baumeister teaches that the transfer of digital content is caused by a user's request to experience the content (see fig. 2).

1. Claims 3, 4, 7, 9, 15, 16, 19, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumeister (U.S. Pub. No. 2001/0034786) and Sim in view of Colby (U.S. Pat. No. 6,006,264).

As to claims 7 and 19, Baumeister and Sim disclose that the Stream Server Portal chooses “suitable” Stream Server, but is silent as to how. It follows that Baumeister does not disclose that the transfer of digital content is based on the relationship between two or more sites.

In a similar art, Colby teaches a method for forwarding a request to a best-fit server based on server proximity to a client (see, e.g., Colby at abstract). It would have been obvious to one of ordinary skill in the art to select a suitable Stream Server here based on client proximity to minimize network latency.

As to claims 3, 4, 9, 15, 16, and 21, it would have been obvious to combine Baumeister and Sim with Colby as described in regards to claims 7 and 19.

Baumeister does not disclose that the client identifying information (see ¶45, 46) is or includes a location of the client, but the Stream Server Portal would need such information in order to select a suitable Stream Server based on client proximity. As such, it would have been obvious to one of ordinary skill in the art to include such location information with the client information.

As to claim 25, it would have been obvious to combine Baumeister and Sim with Colby as described in regards to claims 7 and 19. Colby further teaches that the transfer is to a remote site located proximate to a user (see, e.g., Colby at abstract).

2. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumeister (U.S. Pub. No. 2001/0034786) and Sim in view of Layeghi (U.S. Pub. No. 2002/0019823).

Baumeister and Sim do not expressly disclose using a character set in connection with the media content. However, it was well known in the art to embed text into a media file using an expected character set, as evidenced by Layeghi (see ¶25). It would have been obvious to one of ordinary skill in the art to do the same here to provide additional information about the media content.

3. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumeister (U.S. Pub. No. 2001/0034786) and Sim in view of Hans (U.S. Pub. No. 2002/0120577).

Baumeister and Sim do not disclose that the client identifying information used to select the streaming server is an amount of digital content that the client has transferred.

In a similar art, Hans teaches using an amount of digital content (the number of times particular works are transferred) that a client has transferred to determine whether to provide content to the client (see ¶ 29).

It would have been obvious to use the amount of digital content transferred in the same manner here because doing so would prevent a single client from overburdening the system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yasin M Barqadle/

Primary Examiner, Art Unit 2456

